

**Before the State of South Carolina
Department of Insurance**

FEB 4 2003

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:

SCDOI File Number 2002-112061.

Diane L. Brown/ Advanced Bail Bonding
783 Katy Lane
Huger, South Carolina 29450.

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Diane L. Brown, a licensed South Carolina resident Professional Bail Bondsman.

Upon review of this matter, I hereby find as fact, that Ms. Diane Brown did use unlicensed individuals to perform bail bondsman functions, specifically one Demus Wilson. Ms. Brown acknowledges this and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of her license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-53-160 (Supp.2002).

Rather than awaiting the outcome of impending administrative disciplinary proceedings against him, Diane Brown/ Advanced Bail Bonding by Diane and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that, in lieu of the Department seeking to revoke Diane Brown's license, she would waive her right to a public hearing and immediately pay to the Department an administrative fine in the total amount of \$250.00.

Section 38-53-150(A) grants the Director of Insurance the authority to revoke "any license issued under this chapter for...(7) failure to comply with or violation of the provisions of Chapter 53 or of any order or regulation of the Director."□

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Diane L. Brown/ Advanced Bail Bonding by Diane, has violated S.C. Codes Ann. § 38-53-150 and 38-53-10(9)(Supp.2002). As a result, I can now take administrative disciplinary action against her surety license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-53-150 (B) (Supp. 2002), and after carefully considering the recommendation of the parties, I hereby impose against Diane L. Brown/ Advanced Bail Bonding by Diane, an administrative fine in the total amount of \$250.00. Ms. Brown must pay that fine within

Diane L. Brown/ Advanced Bail Bonding by 'Diane

ten days of the date of my signature upon this consent order. If she does not timely pay that total fine amount, both her license to transact business as a professional bail bondsman and that of Advanced Bail Bonding by Diane will be revoked without any further disciplinary proceedings.

The parties have reached this agreement through negotiation and compromise and in consideration of the Department having never taken any administrative disciplinary action against either Diane L. Brown or Advanced Bail Bonding By Diane before, of Diane Brown being current with all of her monthly filings, and of her assurance that in the future she will comply with the state's insurance laws, particularly that of using only licensed 'runners'. The parties expressly agree and understand Diane L. Brown's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Diane L. Brown acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

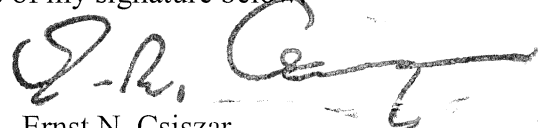
Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law.

It is, therefore, ordered that Diane L. Brown shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$250.00.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Diane L. Brown/ Advanced Bail Bonding By Diane's licensing file.

This consent order becomes effective as of the date of my signature below

Feb '3-03 JS
January, 2003, at
Columbia, South Carolina


Ernst N. Csiszar
Director

I CONSENT:



Diane L. Brown/ Advanced Bail Bonding by 'Diane

Diane L. Brown
d/b/a Advanced Bail Bonding By Diane
783 Katy Lane
Huger, South Carolina 29450.

Dated this ____ day of January, 2003.

Feb 3, 03 DB

Diane L. Brown/ Advanced Bail Bonding by 'Diane